### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

RENEE MESSANA, et al., Plaintiffs	)	
v. ACRES OF WILDLIFE CAMPGROUND, INC., Defendant	) ) )	Docket No. 04-11913-MLW
	)	

## PLAINTIFFS' PETITION FOR APPROVAL OF SETTLEMENT OF ACTION ON BEHALF OF MINORS PURSUANT TO M.G.L. c. 231 § 140 C ½

Description of Accident and Injuries:

On July 1, 2002, Renee Messana was sleeping in a tent at the Acres of Wildlife Campground, Inc. with her two youngest children when a dead tree fell on the tent, causing Ms. Messana severe head trauma, excruciating and ongoing pain, suffering and emotional distress. Four year-old Raymond Messana and six year-old Ariana Messana were inside the tent when the tree fell. Since the accident both Raymond and Ariana have suffered from the loss of their mother's society and from emotional distress.

The Defendant settled with the two minor children during the course of the trial.

As for the other Plaintiffs, the trial went forward with a final jury verdict for the Defendants.

Amount of Settlement:

The total amount of this settlement is one hundred thousand dollars (\$100,000.00). Out of this amount, attorney's fees of thirty three thousand, three hundred thirty-three dollars and thirty-three cents (\$33,333.33) and legal expenses in the amount of eight thousand three hundred twenty six dollars and thirty-nine cents (\$8,326.39) will be paid. After deductions, the minors will receive fifty-eight thousand three hundred and forty dollars and twenty-eight cents (\$58,340.28).

WHEREFORE, the Plaintiffs respectfully request that the attached Settlement be approved.

Respectfully Submitted,

Plaintiffs, by their attorney

Defendant, by its attorney

/s/ John W. Collier
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Dated: February 8, 2007.

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RENEE MESSANA, et al., Plaintiffs  v. ACRES OF WILDLIFE CAMPGROUND, Defendant	) ) ) ) INC., )	Docket No. 04-11913-MLW
PROPOSED ORDER ON PLAINTIF		
It is hereby ORDERED on this	day of	, 2007 that Plaintiffs'
Petition for Approval of Settlement of Actio	n on behalf of	Minors is ALLOWED.

#### **EXPENSES FOR MESSANA**

Total:		\$8,326.39
9.	Recording Trust	\$225.00
8.	Defendant's Bill of Costs	\$3,741.05 (see attached)
7.	Court/Filing Fees	\$170.00
6.	Traveling expenses for St. Louis trip	\$692.79 (see attached)
5.	Valerie O'Hara Court Reporter	\$673.20
4.	St. Louis Univ. Hospital	\$1,125.00
3.	Rankin Reporting	\$287.85
2.	Doris Wong Reporting	\$948.10
1.	The Reporting Group	\$463.40

### **CONTINGENCY FEE AGREEMENT** (see copy attached)

"1/3 (33%) of the gross settlement or judgment of the aforedescribed matter if settled prior to trial."

Total: (1/3) (\$100,000) \$33,333.33

**Total Amount to be paid out from Settlement:** \$41,659.72

**Net Amount due Minors:** \$58,340.28